

FILED

Date _____

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Clerk _____

Comm. Amdt. _____

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 2952

House Bill No. 2670*

by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 55-10-403, is amended by deleting subsection (k) in its entirety and substituting instead the following:

(k)(1) The vehicle used in the commission of a person's second or subsequent violation of Tennessee Code Annotated, Section 55-10-401, or the second or subsequent violation of any combination of Tennessee Code Annotated, Section 55-10-401, and a statute in any other state prohibiting driving under the influence of an intoxicant, is subject to seizure and forfeiture in accordance with the procedure established in Tennessee Code Annotated, Title 40, Chapter 33, Part 2. The department of safety is designated as the applicable agency, as defined by Tennessee Code Annotated, Section 40-33-202, for all forfeitures authorized by this subsection.

(2) In order for the provisions of subpart (1) of this subsection to be applicable to a vehicle, the violation making the vehicle subject to seizure and forfeiture must occur in Tennessee and at least one (1) of the previous violations must occur on or after January 1, 1997.

(3) It is the specific intent that a forfeiture action under this section shall serve a remedial and not a punitive purpose. The purpose of the forfeiture of a vehicle after a person's second or subsequent DUI violation is to prevent unscrupulous or incompetent persons from driving on Tennessee's highways while under the influence of alcohol or drugs. Driving a motor vehicle while under the influence of alcohol or drugs endangers the lives of innocent people who are exercising the same privilege of riding on the state's highways. There is a

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reasonable connection between the remedial purpose of this section, ensuring safe roads, and the forfeiture of a motor vehicle. While this section may serve as a deterrent to the conduct of driving a motor vehicle while under the influence of alcohol or drugs, it is nonetheless intended as a remedial measure. Moreover, the statute serves to remove a dangerous instrument from the hands of individuals who have demonstrated a pattern of driving a motor vehicle while under the influence of alcohol or drugs.

SECTION 2. Tennessee Code Annotated, Section 40-33-211, is amended by adding the following new subsection to be designated as subsection (c) and by relettering the current subsections (c) and (d) accordingly:

(c)(1) Notwithstanding the provisions of subsections (a) and (b) of this section to the contrary, one-half (1/2) of the revenue derived from the sale of any vehicle forfeited under the authority of Tennessee Code Annotated, Section 55-10-403(k), shall be deposited in the state treasury for the exclusive use of the department of safety. The department of safety shall use such revenue to employ additional hearing officers and other personnel required due to the department's designation as the applicable agency for all forfeitures authorized under Tennessee Code Annotated, Section 55-10-403(k).

(2) The remaining one-half (1/2) of the revenue derived from the sale of any vehicle forfeited under the authority of Tennessee Code Annotated, Section 55-10-403(k), shall be distributed as provided in subsections (a) and (b) of this section.

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SECTION 3. Tennessee Code Annotated, Section 40-33-201, is amended by deleting the citations "53-11-451, 57-3-411" and substituting instead the citations "53-11-451, 55-10-403(k), 57-3-411".

SECTION 4. Tennessee Code Annotated, Section 40-33-210, is amended by deleting the citations "53-11-451, 57-3-411" and substituting instead the citations "53-11-451, 55-10-403(k), 57-3-411".

SECTION 5. Tennessee Code Annotated, Section 40-33-211(a), is amended by deleting the citations "53-11-451, 57-3-411" and substituting instead the citations "53-11-451, 55-10-403(k), 57-3-411".

SECTION 6. Tennessee Code Annotated, Section 40-33-214, is amended by deleting the citations "53-11-451, 57-3-411" and substituting instead the citations "53-11-451, 55-10-403(k), 57-3-411".

SECTION 7. Tennessee Code Annotated, Section 40-33-214, is amended by deleting the following citations: 7-59-109, 70-3-111 and 70-8-108.

SECTION 8. This act shall take effect on January 1, 1997, the public welfare requiring it and shall apply to all applicable violations occurring on or after such date.